

策略發展委員會
管治及政治發展委員會
2006年3月24日第三次會議

席上意見摘要

歡迎新委員

主席歡迎李焯芬校長及雷添良先生加入委員會。

續議事項

委員會討論議題

2. 上次會議有委員提議秘書處因應委員的意見，重新整理優先討論議題的清單。其後，秘書處收到李永達議員的信件，建議於4月和6月再次舉辦工作坊，討論「地方行政」和「政黨政治」的議題。就「地方行政」這議題，主席表示可於今年上半年政府推出有關區議會角色、職能和組成的檢討的諮詢文件後，由秘書處舉辦工作坊，讓各位委員就諮詢文件的內容發表意見。至於有關「政黨政治」的工作坊，主席認為大約在2006年年中，待政府發出關於進一步推動政治委任制度的諮詢文件後舉行會較為合適。

有關外地立法機關制度設計的工作坊

3. 上次會議同意由政制事務局和秘書處舉辦工作坊，協助委員進一步了解外地立法機關制度設計如何做到兼顧社會各階層利益。主席報告有關的工作坊已於2006年2月28日舉行，並邀請了五位講者，包括宋立功博士、馬嶽教授、李彭廣博士、成名博士及鍾逸傑爵士，分享他們的看法。秘書處已將有關工作坊的文件，包括五位講者所準備的資料文件以及席上意見摘要，上載到策發會的網頁上。

將意見摘要上網

4. 上次會議各委員亦同意為了提高透明度，秘書處可把委員會會議的席上意見摘要及委員提供的書面意見上載於策發會網頁。主席報告秘書處已作出相應安排，有興趣的委員可以瀏覽策發會的網址。

在達致普選的過程及制定普選的模式時，應如何確保符合《基本法》中有關有利於資本主義經濟發展的原則

5. 有委員指出沒有地方是實行「絕對的資本主義」制度，現在的資本主義制度已吸收了不少社會福利的元素。另有委員指出，何謂「福利主義」會因不同地方的歷史及文化背景的差異而有所不同。有委員認為民主或普選與「福利主義」並不存在必然關係。有委員舉例指出，在實行民主選舉的地方，亦存在貧富懸殊、收入兩極化的社會問題。

6. 有委員指出有民主派政黨的主張並不與「福利主義」有關。例如他們支持政府資產私有化，包括領匯上市和五隧一橋債券化等。此外，有委員認為，社會上就《基本法》規定財政預算以量入為出為原則大體上是有共識的，因此並不擔心實行普選會大幅增加政府的福利開支，令香港走向「福利主義」的道路。

7. 然而，有委員提出，社會上的確有人憂慮全面民主選舉可能會導致「福利主義」，增加公共財政的壓力。雖然民主與「福利主義」未必有必然關係，但環顧世界各地的情況，可以發現向選民承諾提供福利是一般競選策略。亦有委員表示，現時，市民就提高福利水平對社會的影響並無充分認識。此外，有委員表示，就香港而言，雖然《基本法》就香港的理財政策已訂明有關規定，但在普選的過程中可能會對這些原則構成矛盾及壓力。不過，有委員則認為市民不一定支持倡議高福利的候選人。有委員同意有必要為有需要的弱勢社群提供協助，但就需要取得適當的平衡，以免有關福利會被濫用。

8. 另外，有委員認為實行「福利主義」與普選行政長官未必有直接關係，但與普選立法會的關連性則比較直接，因為議員可能會因應選民壓力，倡議提供更多福利和公共服務。就這個意見，另有委員認為應著眼於行政長官與福利主義的關係，因為特區政府的財政預算，主要由行政長官及行政機關主導，而立法會根據《基本法》難以成功提出增加政府財政開支的議案。故此，我們須確保行政長官的施政理念不會出現與資本主義經濟制度有出入的情況。例如提名委員會的制度設計應確保行政長官候選人得到社會各階層的接受。此外，中央對行政長官有實質任命權，如果當選的行政長官的政綱違反《基本法》的規定，中央有權不任命該人為行政長官。

9. 委員普遍意見認同《基本法》中已清楚確立最終普選為目標，其他議題不應改變這個政制發展的基本路向。有委員亦指出《基本法》條文已清楚列明香港特區發展的基本方針政策，包括不實行社會主義制度和政策，保持原有的資本主義制度和生活方式不變。而《基本法》中亦有規定香港特區的財政預算以量入為出原則，力求收支平衡以及參照原有的低稅政策的條文。這些具體條文都大大減低了香港特區步向「福利主義」的可能性。有委員說，《中英聯合聲明》原來是沒有相類似《基本法》第 107 及 108 條的條款，但草委當年堅持要把有關條文寫進《基本法》，以保障香港的繁榮穩定。有委員認為既然草委已透過在《基本法》訂定有關條文去平衡普選與保持資本主義制度之間的關係，委員會不用再就原則性的問題作討論，而應立即研究普選的具體模式。

10. 另一方面，有委員認為雖然《基本法》已訂明有關規定，但問題是如何確保行政長官在面對政治壓力下(例如立法會不通過財政預算案)仍能遵循這些規定。亦有委員提出，《基本法》在確立最終普選為目標的同時，亦訂出有關資本主義經濟的條文，可見在《基本法》草擬時已預計到在實行普選時政府須面對公眾要求的壓力，並給予政府責任去考慮在實行普選

時，如何可有效地確保《基本法》有關有利於資本主義經濟的發展和兼顧社會各階層利益的原則得以維持。

11. 就特區公共理財政策和財政狀況方面，有委員提出在香港市民的公民權利（包括普選行政長官及立法會）得以進一步提升的同時，公民責任（包括納稅）亦應相應加強。故此，政府應積極考慮擴闊稅基的措施以及開徵商品及服務稅。有委員認為稅制須平衡各階層的利益，因此，須研究在維持低稅制之下如何擴闊稅基。另外，有委員提出香港成功的基石是其簡單稅制。外國的稅收高，因此福利水平相對也可較高。但當香港的競爭對手正紛紛落實各項減稅措施，香港要審慎研究開徵商品及服務稅對香港的影響。他認為香港的政制發展應有利提升競爭力，而政制設計不可與維持經濟發展脫鉤。

12. 就實行普選與維持工商界利益兩者關係方面，有委員表示，政制與經濟是不能分開的，而香港亦不能成為福利主義社會。他表示，工商界普遍支持最終普選目標，但希望能就如何達至普選的安排在社會上有更多討論，以促進相互瞭解，明白工商界的憂慮和關注。有委員表示，應考慮如何在未來政制的設計上繼續保障工商界的利益，以符合《基本法》中就兼顧各階層利益的規定。

13. 行政長官發表以下意見：

- (a) 特區政府堅決地嚴格按照《基本法》的原則和規定，推動本港政制朝着最終普選目標邁進。《基本法》中政治和經濟各方面的制度是一個整體的設計。在落實普選的過程中，必須確保政治體制設計的四項原則皆得以貫徹落實，而「有利於資本主義經濟的發展」是其中一項重要原則，亦是「一國兩制」的精粹所在。這個原則是《基本法》的規定，絕不是一些人士所指的「新的障礙」，或「拖延策略」。

- (b) 委員會認同必須保持香港作為一個重要的國際貿易和金融中心。要保持香港繁榮穩定，就必須維持香港原有的資本主義制度和生活方式不變。
- (c) 委員普遍同意落實普選的同時不應該影響香港經濟發展，亦不應影響特區一直以來奉行的「低稅率和簡單稅制」和「量入為出」的理財原則，以及「小政府、大市場」的經濟政策。這套公共理財原則，亦是社會所接受的。故此，在達致普選的過程中以及制定普選模式時，必須考慮到有關安排對香港經濟發展及財政狀況所帶來的影響。
- (d) 政府理解社會上有就普選與「福利主義」的關係的憂慮。事實上，從外國的經驗可見，一些實行民主政制的地方，他們的稅率較高，稅基亦較闊，而他們的從政者亦面對更多公眾壓力，要提供更多的公共服務。這問題是值得正視的，亦應與社會各界多加探討，消除憂慮，找出適合的平衡點。
- (e) 從去年 11 月開始，委員會已舉行了三次會議，對普選的原則和概念進行了討論。行政長官提議在 5 月份舉行的第四次會議上就有關討論作出總結。政制事務局會就此議題提供討論文件。在普選的原則和概念作出總結後，委員會可開展有關普選行政長官及普選立法會全部議員可能模式的討論。
- (f) 就有委員建議檢討委員會會議日期，以避免與立法會內務委員會及財務委員會的開會日期重疊，行政長官表示秘書處會跟進研究更改會議日期的可行性，並就任何改動儘快通知各委員。
- (g) 行政長官鼓勵委員繼續以電郵或郵寄方式，提供書面意見。在收到委員的書面意見後，秘書處會向其他委員發放並上載策發會網頁，使意見可以互動交流。

14. 出席會議人士名單載於附件。

策略發展委員會秘書處

2006年5月

策略發展委員會
管治及政治發展委員會第三次會議
2006年3月24日

Third Meeting of
the Committee on Governance and Political Development
of the Commission on Strategic Development
24 March 2006

出席人士

Attendance List

主席 :

Chairman :

The Chief Executive

行政長官

官方委員 :

Official Members :

Head, Central Policy Unit

中央政策組首席顧問

Director, Chief Executive's Office

行政長官辦公室主任

非官方委員 :

Non-Official Members :

Mr CHAN Chung-bun, Bunny, B.B.S., J.P.

陳振彬先生, B.B.S., J.P.

Mr CHAN Tak-lam, Norman, S.B.S., J.P.

陳德霖先生, S.B.S., J.P.

Mr CHAU How-chen, S.B.S., J.P.

周厚澄先生, S.B.S., J.P.

Prof CHEN Hung-yeet, Albert, J.P.

陳弘毅教授, J.P.

Mr CHEN Nan-lok, Philip, S.B.S., J.P.

陳南祿先生, S.B.S., J.P.

Prof CHENG Kwok-hon, Leonard

鄭國漢教授

Mr CHEUNG Chi-kong

張志剛先生

Mr CHOW Charn-ki, Kenneth

鄒燦基先生

Ms CHOW, Wendy

周君倩女士

Mr CHOW Yick-hay, B.B.S., J.P.

周奕希先生, B.B.S., J.P.

Mr CHOW Yung, Robert

周融先生

Mr HOO, Alan, S.B.S., J.P.

胡漢清先生, S.B.S., J.P.

Ms KO Po-ling, M.H.

高寶齡女士, M.H.

The Hon LEE Cheuk-yan

李卓人議員

The Hon LEE Wing-tat
Dr LEUNG Mei-fun, Priscilla
Mr LIE-A-CHEONG Tai-chong, David
Dr LO Chi-kin, J.P.
Mr LUI Tim-leung, Tim, J.P.
Mr MOK Hon-fai
Mr NG Sze-fuk, George, B.B.S., J.P.
Mr SZE Chin-hung, Jerome, J.P.
Mr TAM Kwok-kiu, M.H.
Miss TAM Wai-chu, Maria, G.B.S., J.P.
The Hon TIEN Pei-chun, James, G.B.S., J.P.
Mr WANG Xiao-qiang
Mr WONG Wai-yin, Zachary
Mr YU Kwok-chun, S.B.S., J.P.
Dr ZHOU Ba-jun

李永達議員
梁美芬博士
李大壯先生
盧子健博士, J.P.
雷添良先生, J.P.
莫漢輝先生
吳仕福先生, B.B.S., J.P.
施展熊先生, J.P.
譚國僑先生, M.H.
譚惠珠女士, G.B.S., J.P.
田北俊議員, G.B.S., J.P.
王小強先生
黃偉賢先生
余國春先生, S.B.S., J.P.
周八駿博士

列席

In Attendance

Secretary for Constitutional Affairs
Permanent Secretary for Financial Services and the
Treasury (Treasury)
Government Economist
Deputy Secretary for Constitutional Affairs (1)

政制事務局局長
財經事務及庫務局常任秘書
長(庫務)
政府經濟顧問
政制事務局副秘書長(1)

因事未能出席

Apologies

The Hon CHEUNG Hok-ming, S.B.S., J.P.
Ms FONG, Janie
Mr FUNG, Daniel R., S.B.S., J.P.
Prof KUAN Hsin-chi
Mr LAU Nai-keung
Prof LEE Chack-fan, S.B.S., J.P.
The Hon MA Lik, G.B.S., J.P.
The Hon SHEK Lai-him, Abraham, J.P.
Mr WONG Kong-hon, S.B.S., J.P.
Mr WONG Ying-ho, Kennedy, B.B.S., J.P.

張學明議員, S.B.S., J.P.
方文靜女士
馮華健先生, S.B.S., J.P.
關信基教授
劉迺強先生
李焯芬教授, S.B.S., J.P.
馬力議員, G.B.S., J.P.
石禮謙議員, J.P.
黃光漢先生, S.B.S., J.P.
黃英豪先生, B.B.S., J.P.

**Summary of the views expressed at
the Third Meeting of
the Committee on Governance and Political Development
of the Commission on Strategic Development
held on 24 March 2006**

(Translation)

Welcome remarks

The Chairman welcomed new members, Professor LEE Chack-fan and Mr LUI Tim-leung, Tim to the Committee.

Matters arising from the last meeting

Issues to be discussed by the Committee

2. Following the proposal raised at the last meeting that the Secretariat should reconsider the list of priority issues for discussion in the light of Members' comments, the Secretariat received a letter from Hon LEE Wing-tat suggesting that workshops be organized in April and June to discuss the issues of "district administration" and "party politics". On the issue of "district administration", the Chairman said that the Secretariat could organize a workshop after the release of the consultation document on the review on the role, functions and composition of District Councils in the first half of the year, with a view to facilitating Members' discussion on the content of the document. As for a workshop on "party politics", the Chairman considered that it would be more appropriate to organise such a workshop around mid-2006 after the issue of the consultation document on the further development of the political appointment system.

Workshop on the design of overseas legislatures

3. It was agreed at the last meeting that the Constitutional Affairs Bureau and the Secretariat would organise a workshop to help Members learn more about overseas examples on how the design of their legislatures could accommodate the interests of different sectors of their respective communities. The Chairman reported that the workshop had subsequently been held on 28 February 2006 and five speakers, namely Dr SUNG Lap-kung, Professor MA Ngok, Dr LI Pang-kwong, Dr SING Ming and Sir David AKERS-JONES were invited to present their views. The Secretariat had uploaded the relevant documents including the presentation materials prepared by the five speakers

and the summary of the views expressed at the workshop to the Commission's web page.

Uploading of Members' views to the Commission's web page

4. It was also agreed at the last meeting that in order to enhance transparency, the Secretariat could upload the summary of views expressed at the meetings of the Committee and the written submissions prepared by Members to the Commission's web page. The Chairman informed the meeting that relevant arrangements had been made by the Secretariat, and invited interested Members to visit the Commission's web page.

How to ensure the Basic Law principle of facilitating the development of the capitalist economy would be realised in the process of attaining universal suffrage and in designing the model for universal suffrage

5. A Member pointed out that "a pure type of capitalism" was not practised in any places, and the present capitalist system had already incorporated quite a number of social welfare elements. Another Member opined that the concept of "welfarism" would vary from place to place due to different historical and cultural background. There was also a view that democracy or universal suffrage did not necessarily correlate with "welfarism". A Member referred to examples of places practising democratic elections to illustrate that social problems such as wide wealth gap and income disparity also existed in such places.

6. A Member pointed out that the platforms of certain democratic parties had no relationship with "welfarism". For instance, they supported privatisation of government assets, including the listing of the Link Real Estate Investment Trust and securitisation of Hong Kong Link 2004 Limited. Another Member considered that there was a broad consensus in the community on the budgetary principle of keeping expenditure within the limits of revenues as stipulated in the Basic Law, and was therefore not worried that the implementation of universal suffrage would significantly increase government expenditure on welfare and push Hong Kong towards "welfarism".

7. However, a Member opined that there was genuine concern in the community that full democratic elections might lead to "welfarism" and put further pressure on our public finance. Although democracy might not necessarily correlate with "welfarism", overseas experience suggested that it was a common electioneering strategy for candidates to make promises on provisions of social welfare to their voters. Another Member remarked that at present the public did not fully realize the impact of increased welfare spending

on the community. Moreover, a Member opined that in the case of Hong Kong, although there were clear provisions in the Basic Law regarding our public finance policy, there might be contradictions and pressure against these principles during the election process by universal suffrage. However, a Member considered that the public might not necessarily vote for those candidates who advocated higher welfare. A Member agreed that there was a need to provide assistance to the vulnerable sectors of the community, but add that a proper balance had to be maintained to avoid abuse of welfare.

8. A Member opined that “welfarism” related more directly with the election of the Legislative Council by universal suffrage than with the selection of the Chief Executive by universal suffrage. This was because elected members might be subject to pressure of voters and tend to advocate better provisions of welfare and public services. On this point, another Member took the view that we should focus our attention on the relationship between the Chief Executive and “welfarism”, as the budget of the SAR Government was principally prepared under the direction of the Chief Executive and the executive authorities, and that it was difficult under the Basic Law for the Legislative Council to succeed in moving a motion to increase public expenditure. It was therefore important for us to ensure that the policy objectives of the Chief Executive were not inconsistent with the capitalist system. For example, the systemic design of the nominating committee should ensure that the Chief Executive candidates would be accepted by different sectors of the community. Moreover, the Central Authorities had substantive power to appoint the Chief Executive. If the election platform of the elected Chief Executive was inconsistent with the provisions of the Basic Law, the Central Authorities had the power not to appoint the elected candidate as Chief Executive.

9. Members generally agreed that the ultimate aim of attaining universal suffrage had been clearly stipulated in the Basic Law and that this basic direction of constitutional development should not be swayed by other issues. A Member also pointed out that the provisions of the Basic Law had explicitly laid down the basic policy regarding the HKSAR’s development, including that the socialist system and policies shall not be practised in Hong Kong, and that the previous capitalist system and way of life shall remain unchanged. The Basic Law had also stipulated that the HKSAR should follow the principles of keeping expenditure within the limits of revenues in drawing up its budget, strive to achieve a fiscal balance, and take the low tax policy previously pursued in Hong Kong as reference. These specific provisions had greatly reduced the possibility of the HKSAR moving towards “welfarism”. A Member remarked that similar provisions such as Articles 107 and 108 of the Basic Law were not included in the Sino-British Joint Declaration. It was at the insistence of the members of the Basic Law Drafting Committee that such provisions were

included in the Basic Law to ensure Hong Kong's prosperity and stability. A Member opined that since the Drafting Committee had included relevant provisions in the Basic Law to strike a balance between universal suffrage and maintaining a capitalist system, it was not necessary for the Committee to dwell on issues of principle. Instead, the Committee should proceed immediately to discuss the model for universal suffrage.

10. On the other hand, a Member considered that although relevant provisions had been set out in the Basic Law, there was the issue on how to ensure that the Chief Executive would adhere to these provisions in the face of political pressure (for example, when the budget was not endorsed by the Legislative Council). A Member pointed out that when the ultimate aim of attaining universal suffrage was established in the Basic Law, the provisions relating to the capitalist economy were included at the same time. This showed that when the Basic Law was being drafted, it had already been anticipated that the Government would face the pressure of public demand, and was therefore entrusted with the responsibility to consider effective ways to uphold the Basic Law principles of facilitating the development of capitalist economy and meeting the interests of different sectors in the community when implementing universal suffrage.

11. As regards the public finance policy and fiscal position of the HKSAR, a Member considered that Hong Kong residents should assume greater civic responsibilities (including tax liability) as their civic rights (including electing the Chief Executive and the Legislative Council by universal suffrage) were further enhanced. As such, the Government should actively consider measures to broaden the tax base and introduce a Goods and Services Tax. A Member opined that the tax regime should balance the interests of various sectors. As such, it was necessary to examine measures to broaden the tax base while maintaining a low tax regime. Moreover, a Member opined that a simple tax regime is a cornerstone of Hong Kong's success. As overseas countries levied a higher tax rate, they could provide a relatively higher level of social welfare. However, at a time when Hong Kong's competitors were implementing various tax reduction measures, we should cautiously examine the ramifications of introducing a Goods and Services Tax in Hong Kong. He maintained that the constitutional development of Hong Kong should be conducive to enhancing its competitiveness and that our political structure should not be designed without regard to the need to sustain economic development.

12. On the interrelationship between implementing universal suffrage and safeguarding the interests of the business sector, a Member considered that political structure and economic development were inseparable and that Hong

Kong should never become a welfare state. He opined that the business sector was generally in support of the ultimate aim of attaining universal suffrage. Having said that, they would like to have more discussions in the community on how to attain universal suffrage, so as to promote mutual understanding and appreciation of their concerns. A Member opined that consideration should be given to preserving the interests of the business sector in the design of future political structure in order to fulfill the Basic Law provisions on meeting the interests of different sectors of society.

13. The Chief Executive made the following comments:
- (a) The HKSAR Government would resolutely and rigorously promote the constitutional development of Hong Kong towards the ultimate aim of attaining universal suffrage in accordance with the principles and provisions of the Basic Law. The political and economic systems as stipulated in the Basic Law were parts of an overall design. In implementing universal suffrage, it was necessary to ensure that the four principles underpinning the design of the political structure would be fully realised, and “facilitating the development of the capitalist economy” was one of these basic principles, and was the essence of the “One Country, Two Systems”. This principle was stipulated in the Basic Law, and was absolutely not a “new obstacle” or “delaying tactic” as referred to by some people.
 - (b) The Committee agreed that we should preserve Hong Kong’s position as a major international trading and financial centre. To maintain Hong Kong’s prosperity and stability, the capitalist system and way of life previously adopted would have to remain unchanged.
 - (c) Members generally agreed that the implementation of universal suffrage should not affect Hong Kong’s economic development. Nor should it affect the long established principles of our public finance policy, i.e. “low and simple tax regime” and “keeping expenditure within the limits of revenues”, as well as our economic policy of “Big Market, Small Government”. The above principles of our public finance policy had been accepted by the community. As such, in the process of attaining universal suffrage and in designing the model for universal suffrage, we should take into account the impact of the related arrangements on the economic development and fiscal position of Hong Kong.
 - (d) The Government recognised that there were concerns in the community about the relationship between universal suffrage and

“welfarism”. In fact, overseas experience had shown that in certain countries where democratic electoral systems were implemented, their tax rates were higher and the tax bases were wider. Politicians in these countries were facing more public pressure for enhancement of public services. The issue was worthy of serious consideration, and should be discussed widely with different sectors of the community with a view to addressing concerns and striking a proper balance.

- (e) The Committee had held three meetings since last November to discuss the principles and concepts of universal suffrage. He proposed that the Committee should conclude the relevant discussions at the fourth meeting to be held in May. The Secretary for Constitutional Affairs would prepare a discussion paper in this regard. With the conclusion of discussions on the principles and concepts of universal suffrage, the Committee could proceed to discuss the possible models of a universal system for selecting the Chief Executive and electing all Members of the Legislative Council.
- (f) Regarding the suggestion by a Member to review the schedule of meetings of the Committee to avoid overlapping with the meeting dates of the House Committee and the Finance Committee of the Legislative Council, the Secretariat would examine the feasibility of revising the schedule and inform Members of any changes as soon as possible.
- (g) He encouraged Members to continue to put forward their views by post or email outside the meetings. Upon receipt of the written submissions, the Secretariat would arrange circulation to other Members and uploading to the Commission’s web page to facilitate interaction and exchange of views among Members.

14. The attendance list is attached.

Secretariat to the Commission on Strategic Development
May 2006